



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

JAN H. ZICHA  
8629 LESLIE AVENUE  
LANHAM MD 20706

COPY MAILED  
JUN 15 2006  
OFFICE OF PETITIONS

In re Application of  
Zicha :  
Application No. 10/050,937 :  
Filed: January 22, 2002 :  
Title: Internally Resilient Tie for Railway Track :  
ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed August 29, 2005.

The petition to withdraw the holding of abandonment is Dismissed.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

This above-identified application became abandoned for failure to timely file a proper reply within the meaning of 37 CFR 1.113 to the final Office Action of November 3, 2004. The final Office Action set a three (3) month shortened statutory period for reply. An amendment was filed on December 30, 2004. An Advisory Action was mailed on January 26, 2005 informing applicant the response filed did not place the application in condition for allowance. An untimely amendment was filed on April 11, 2005. Accordingly, this application became abandoned on February 3, 2005. A Notice of Abandonment was mailed on August 12, 2005.

Petitioner contends that the April 11, 2005 amendment was submitted in response to the Advisory Action mailed on January 26, 2005. Petitioner request that the holding of abandonment be withdrawn.

Petitioner's argument has been considered but has been deemed to be unpersuasive. The Final Office Action provided petitioner with a shortened statutory period for reply of February 3, 2005. Petitioner could have purchased an additional three months, providing petitioner with a maximum reply period of May 3, 2005. The advisory action informed petitioner that the amendment submitted on December 30, 2004 did not place the application condition for allowance. The advisory action did not provide petitioner with a new period for reply but did inform petitioner that extensions of time may be available under 37 CFR 1.136(a).

Accordingly, the amendment submitted on April 11, 2005 without benefit of a petition for extension of time and accompanying fee was properly held abandoned.

Petitioner may wish to file a petition to revive under 37 CFR 1.137(b).

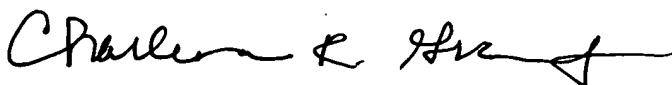
Further correspondence with respect to this matter should be addressed as follows:

By mail:   
 Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

By facsimile: (571) 273-8300

By delivery service:   
 (FedEx, UPS, DHL, etc.)   
 U.S. Patent and Trademark Office  
 Customer Service Window,  
 Randolph Building  
 401 Dulany Street  
 Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at  
 (571) 272-3215.



Charlema R. Grant  
Petitions Attorney  
Office of Petitions